THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.1800 OF 2006

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Dated: 10-03-2006

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Between

M/s. Ramakrishna Prasad Housing Private
Limited, Rep. by its Managing Partner,
Smt. V. Vijayalakshmi, W/o. Late Dr. Ramakrishna
Prasad, Occ: Business, Flat No.402, Subham
Apartments, Ameerpet, Hyderabad.

...PETITIONER

AND

The District Collector, Medak District at
Sangareddy and others.

...RESPONDENTS

ORDER:

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Petitioner–company seeks a Writ of Mandamus to declare the action of the respondents in interfering with the possession of the petitioner in respect of the patta lands in an extent of Ac.50.23 guntas of land in Sy.No.459, 463 to 470 of Chitukula Village, Patancheru Mandal, Medak District on the basis of the alleged survey conducted behind the back and in not conducting the resurvey of the land in spite of representation dated 21.11.2005 as illegal and arbitrary.

Learned counsel for the petitioner–company submits that the petitioner–company is doing business in real estate and after making layouts selling the same to the public. For the

purpose of business of the company, the petitioner-company purchased and got registered an extent of Ac.112.13 guntas of land in Sy.Nos.438, 440 to 454, 458, 459, 458/A, 463 to 470 and 473 of Chitukula Village, Patancheru Mandal, Medak District after necessary survey conducted by the District Surveyor, Sangareddy from 08.07.2002 to 16.07.2002. Thereafter, the petitioner–company made an application to the Chitukula Gram Panchayat and got the layout approved in two phases out of which the second phase consists of Ac.50.23 guntas.

While so, a news item appeared in Vartha and Eenadu daily dated 05.09.2005 stating that the petitioner-company has encroached an extent of Ac.23.00 guntas of Government land in the second phase layout comprising Ac.50.23 guntas in Sy.Nos.459, 463, 464, 465, 466, 467, 468, 469 and 470, which came into light in the survey conducted under the supervision of Revenue Divisional Officer, Sangareddy.
It is stated that the land in Sy.No.472 is recorded as Government land and the petitioner is not claiming any land in Sy.No.472.

It is the case of the petitioner-company that the survey in 2005 has been conducted behind the back of the petitioner-company and therefore, petitioner made a representation dated 21.11.2005 before the District Collector, Medak District requesting for resurvey of the said land.

Learned Government Pleader appearing for the respondents submits that as per the survey conducted in 2005 the petitioner-company is found in possession of Government land in an extent of Ac.23.00 guntas.

Having regard to the facts and circumstances of the case,
the second respondent is directed to get the lands of the petitioner-company resurveyed by the fifth respondent – The Assistant Director, Survey, Settlement and Land Records, Medak District at Sangareddy, at the cost of the petitioner-company within ten weeks from the date of receipt of a copy of this order and pass appropriate orders in accordance with law.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

March 10, 2006

DSK